

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
Eastern Division**

FILED BY SP D.C.  
05 JUL 18 AM 10:19

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENN. JACKSON

WILLIAM MABRY

Plaintiff,

vs.

UNUM LIFE INSURANCE COMPANY  
OF AMERICA

Defendant.

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Case No. 1-05-1123-T-An

**JOINT SCHEDULING ORDER**

In accordance with the Rule 26(f) Report of Parties' Planning Meeting, and the Court's case management conference, the following is established for this case:

1. This Court has subject matter jurisdiction of this civil action pursuant to the civil enforcement provision of ERISA, 29 U.S.C. 1132(e)(1).
2. In this action, Plaintiff has brought an ERISA claim for benefits, attorneys fees, and costs. Defendant has denied responsibility for any of these benefits, fees, or costs.
3. The parties agree that, with certain limited exceptions, civil actions for plan benefits under ERISA are generally resolved upon the parties' motions for judgment based upon the existing administrative record. Therefore, the parties do not anticipate submitting Rule 26(a) disclosures, propounding discovery, or responding to written discovery.

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79 (a) FRCP on 7/19/05

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4. At this juncture, Defendant has not submitted the administrative record to either the Plaintiff or the Court for inspection. Accordingly, the Defendant shall submit the administrative record by filing same with the Court and a copy to opposing counsel no later than August 15, 2005. Plaintiff shall then have a reasonable opportunity to inspect the administrative record to determine whether Plaintiff contends discovery is warranted. If Plaintiff believes discovery is required, Plaintiff shall submit a written motion to the Court explaining the basis for said discovery no later than October 1, 2005. The Defendant will have fifteen (15) days thereafter to respond to Plaintiff's motion.

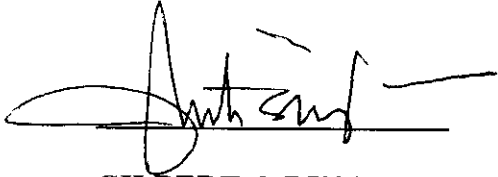
5. In the event that no further discovery is necessary and in lieu of a trial, the parties shall each file motions for judgment by November 15, 2005. Response briefs shall be due December 15, 2005. In the event either party wishes to file a reply brief, leave of court must be obtained.

IT IS SO ORDERED ON THIS 18<sup>th</sup> DAY OF July, 2005.

S. Thomas Anderson *USMS*

JUDGE THOMAS ANDERSON

APPROVED FOR ENTRY:



2021 Greystone Dr.

**GILBERT & RUSSELL, PLC**

Justin S. Gilbert  
TN Bar No. 017079  
Michael L. Russell  
TN Bar No. 20268  
2021 Greystone Dr.  
P.O. Box 11357  
Jackson, TN 38308  
Telephone: 731-664-1340  
Facsimile: 731-664-1540

ATTORNEYS FOR PLAINTIFF

Lisa Krupicka by Justin Gilbert  
w/ permission on 7/14/05

**BURCH, PORTER & JOHNSON**

Lisa A. Krupicka  
130 North Court Ave  
Memphis, TN 38103  
Telephone: 901-524-5000  
Facsimile: 901-524-5024

ATTORNEYS FOR DEFENDANT



## Notice of Distribution

This notice confirms a copy of the document docketed as number 6 in case 1:05-CV-01123 was distributed by fax, mail, or direct printing on July 19, 2005 to the parties listed.

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Lisa A. Krupicka  
BURCH PORTER & JOHNSON  
130 N. Court Avenue  
Memphis, TN 38103

Justin Gilbert  
THE GILBERT LAW FIRM  
2021 Greystone Park  
Jackson, TN 38308

Honorable James Todd  
US DISTRICT COURT